

# TOXIC CATASTROPHE PREVENTION ACT “TCPA”

## N.J.A.C. 7:31 COVERING THE ELEMENTS OF

### SUBCHAPTER 3, TCPA PROGRAM 2, CHECKLIST

Source owner or operator

TCPA ID: \_\_\_\_\_

Name: \_\_\_\_\_

<b>COVERED PROCESS:</b> _____ <b>AUDITORS:</b> _____ <b>DATE COMPLETED:</b> _____	ARE THE PROGRAM DESCRIPTIONS WRITTEN AND AVAILABLE?		ARE THERE SUPPORTING DOCUMENTS THAT REFLECT THE CURRENT OPERATION AND EQUIPMENT?		ARE WRITTEN PROCEDURES BEING FOLLOWED?  ADDED COMMENTS?		
	Yes	No	Yes	No	Yes	No	Comment
<b>GENERAL PROVISIONS – MANAGEMENT</b>							
40 CFR 68.15 (a) Does the owner or operator have a management system, in accordance with N.J.A.C.7:31-1.5, to oversee the implementation of the risk management program element of this covered process?							
(b) Has the owner or operator assigned a qualified person or position that has overall responsibility for the development, implementation, and integration of the risk management program element of this covered process?							
(c) When responsibility for implementing individual requirements of this part are assigned to persons other than identified under 40 CFR 68.15 (b) have the names and positions of these people been documented and the lines of authority defined through an organization chart or similar document?							
i Does the management system include a plan which shall provide a means of identifying all documentation required by this subchapter and a description of how the owner or operator will store, maintain, and update all required documentation of this covered process, such as safety information, reports of hazard review, compliance audit, incident investigation, standard operating procedures and EHS operator training records ?							
ii Does the management system provide a means to record the daily quantity of each EHS contained in storage vessels or shipping containers?							
<b>SAFETY INFORMATION</b>							
40 CFR 68.48 (a) Does the owner or operator have a written compilation of the following up to date safety information related to regulated substances, processes and equipment of this covered process:							

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	Yes	No	Yes	No	Yes	No	Comment
1. MSDSs meeting the requirements of 29CFR 1910.1200(g)?							
2. Maximum intended inventory of equipment in which the regulated substances are stored or processed?							
3. Safe upper and lower temperatures, pressures, flows, and compositions?							
4. Equipment specifications?							
5. Codes and standards used to design, build, and operate the process?							
6. Simplified process flow diagrams and piping and instrumentation diagrams?							
40 CFR 68.48 (b) Has the owner or operator demonstrated that this covered process is designed in compliance with recognized and generally accepted good engineering practice?							
(c) Has the process safety information been updated for any process change that makes the information inaccurate?							
<b>HAZARD REVIEW</b>							
40 CFR 68.50 (a) Has the owner or operator conducted a review of hazards associated with the regulated substances, process, and procedures of this covered process that identify the following:							
(1) Hazards associated with the process and regulated substances?							
(2) Opportunities for equipment malfunctions or human errors that could cause an accidental release?							
(3) Safeguards used or needed to control the hazards or prevent equipment malfunction or human error?							
(4) Any steps used or needed to detect or monitor releases?							

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	Yes	No	Yes	No	Yes	No	Comment
(b) Did the hazard review determine whether the equipment of this covered process has been designed, fabricated and operated in accordance with applicable industry standards or federal or state design rules?							
(c) Has the owner or operator documented the review?							
Resolved identified problems in a timely manner?							
(d) Has the owner or operator updated the review at least every five years or whenever a major change in the process occurred?							
- Were all identified issues resolved before startup of the changed process?							
<b>STANDARD OPERATING PROCEDURES</b>							
40 CFR 68.52							
(a) Does the owner have written, up to date operating procedure for this covered process consistent with the safety information for the process :							
(b) Do procedures include:							
- Initial startup?							
- Normal operations?							
- Temporary operations?							
- Emergency shutdown and operations?							
- Normal operations?							
- Startup following a shutdown or major change that requires a hazards review?							
- Consequences of deviations and steps to correct or avoid deviations?							
- Equipment inspections?							

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	Yes	No	Yes	No	Yes	No	Comment
(c) Is there a procedure that insures the operating procedure for this covered process is updated if necessary, whenever a major change occurs and prior to start-up of the changed process?							
<b>EHS OPERATOR TRAINING</b>  40 CFR 68.54 (a) Has the owner or operator ensured that each employee currently operating this covered process and each newly assigned employee has been trained and tested competent in the standard operating procedures?							
- For employees already operating the covered process on June 1,1999, has the owner or operator certified in writing that the employee has the required knowledge, skills and abilities to safely carry out the duties and responsibilities as provided in the operating procedures?							
(b) Has the owner or operator provided refresher training at least every three years?							
- Does the owner or operator consult with the employees operating the process to determine the appropriate frequency of refresher training?							
(c) Does the owner or operator use training conducted under federal or state regulations, industry specific standards and codes or conducted by equipment vendors to meet the requirements of N.J.A.C.7:31?							
(d) Has the owner or operator ensured that operators are trained in any updated or new procedures prior to startup of the process after a major change?							
<b>MAINTENANCE</b>  40 CFR 68.56 (a) Has the owner or operator prepared and implemented procedures to maintain the on-going mechanical integrity of this covered process?							

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	Yes	No	Yes	No	Yes	No	Comment
(b) Has each employee involved in maintaining the on going mechanical integrity of this covered process been trained in the hazards of the process?							
- How to avoid or correct unsafe conditions?							
- And in procedures applicable to their job tasks?							
(c) Have all contractor employees been trained to perform the maintenance procedures developed in accordance with 40 CFR 68.56(a)?							
(d) Does the owner or operator insure that tests are performed on process equipment of this covered process follow recognized and accepted good engineering practice so that the frequency is consistent with:							
- Manufacturers recommendations, industry standards or codes, good engineering practice?							
- And prior operating experience?							
<b>COMPLIANCE AUDITS</b>  40 CFR 68.58 (a) Has the owner or operator certified at least every three years that the procedures and practices for this covered process developed under N.J.A.C. 7:31 are adequate and being followed?							
- Has the owner or operator certified that the process technology and equipment, as built and operated are in accordance with 40CFR 68.48(a)&(b)?							
(b) Will each audit be conducted by at least one person knowledgeable in this covered process?							

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	Yes	No	Yes	No	Yes	No	Comment
(c) Did a report of the audit findings developed by the owner or operator include the scope, audit techniques, methods used and names of the audit participants?							
(d) Did the owner or operator promptly determine and document an appropriate response to each of the audit findings and document that deficiencies of this covered process have been corrected?							
(e) Has the owner or operator retained the two most recent compliance audit reports of this covered process?							
<b>INCIDENT INVESTIGATION</b>							
40 CFR 68.60							
(a) Did the owner or operator investigate each EHS accident or potential catastrophic event of this covered process?							
(b) Was each incident investigation started as soon as possible, but no later than 48 hours following the incident?							
(c) Did the owner or operator prepare a summary at the conclusion of the investigation that includes:							
1.Date of the EHS accident or potential catastrophic event?							
2.Date the investigation began?							
3. A description of the EHS accident or potential catastrophic event?							
4.The factors that contributed to the EHS accident or potential catastrophic event?							
5. Any recommendations resulting?							
40 CFR 68.60(d) Did the owner or operator promptly address and resolve the investigation findings and recommendations for each investigation, and document resolutions and corrective actions?							

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40 CFR 68.60(e) Have the findings for each investigation been reviewed with all affected personnel?							
40 CFR 68.60(f) Are investigation summaries retained for the last five years?							
<b>EMERGENCY RESPONSE</b>  N.J.A.C.7:31-3.2 Does the owner or operator of this covered process plan to have his employees respond to emergencies? (See Emergency Response Checklist, if yes)?							
<b>TRIENNIAL REPORT</b>  N.J.A.C.7:31-3.3 (a) Did the owner or operator submit to NJDEP the required report on this covered process covering the previous 36 months risk management program activities, within 90 days of their third anniversary date?							
(b) Did the report on this covered process include: 1. An update, if applicable, of the supplemental TCPA program information as specified in N.J.A.C.7:31-7.2(a)2?							
2. A description of significant changes to the management system?							
3. Documentation of the hazard review results on this covered process specified at 40CFR 68.50(c) for each hazard review completed during the previous three years?							
4. A summary of EHS accidents that occurred during the previous three years that includes a brief description of each EHS accident and the basic and contributory causes?							

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	Yes	No	Yes	No	Yes	No	Comment
5.The compliance audit report for the period ending on the anniversary date pursuant to N.J.A.C.7:31-3.1(c)6?							
(c) Was the first triennial report submitted no later than 9/21/2002?							

NOTE: Any “No” answer should be accompanied by a description of the findings, corrective actions, and implementation schedule on additional attached sheets.

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